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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
LUZ M. VEGA, an Infant by Her Parent And  
Natural Guardian, MANUELA VALENTIN,

Plaintiffs,

**ECF CASE**

07 Civ. 2940 (GEL).

-against-

THE BRONX-LEBANON HOSPITAL CENTER,  
ILIANA ROBINSON,

Defendants.

-----X  
THE BRONX-LEBANON HOSPITAL CENTER,

Third-Party Plaintiff,

-against-

MORRIS HEIGHTS MEDICAL CENTER,

Third-Party Defendant.  
-----X

**PLAINTIFF'S FRCP RULE 26(a) (2)  
DISCLOSURE OF EXPERT TESTIMONY**

Plaintiff Luz. M. Vega, an Infant, by her Parent and Natural Guardian, Manuela Valentin,  
by and through her attorneys, Fitzgerald & Fitzgerald, P.C., 538 Riverdale Avenue, Yonkers,  
New York 10705, hereby provides its disclosure of expert testimony Rule 26(a) (2) of the  
Federal Rules of Civil Procedure ("Fed. R. Civ. P."), as follows:

1. Plaintiff will call Michael Soudry to testify as the economics expert at the trial of  
this matter.
2. The qualifications of Michael Soudry are set forth in his curriculum vitae, a copy of  
which is annexed hereto as **Exhibit "A"**.

3. Michael Soudry will testify regarding the cumulative costs of past and future economic damages from the date of injury to present including medical care, equipment, custodial care, and extraordinary care, average earnings, the cost of custodial care, the cost of extraordinary medical care, the cost of medical equipment and supplies, medical monitoring, rehabilitative therapies including counseling and tutoring, and the cost of private schooling as more fully set forth in his report a copy of which is attached hereto and made a part hereof as **Exhibit "B"**.

4. He is expected to testify as to the future earnings for a minimum wage earner, a high school graduate, a two-year college graduate and a four – year college graduate. He is expected to project average earnings through the end of work life expectancy as more fully set forth in his report a copy of which is attached hereto as **Exhibit "B"**.

5. The grounds for Michael Soudry's report will be his review of the Bureau of Labor Statistics, Medical care Inflation Components, historical average and historical average wage growth (home aide); US census Bureau, PINC-04 Educational Attainment – People 18 years Old and Over by Total Money Earnings in 2006; 2008 Economic Report of the President, Table B-48 – Employment cost index private industry; Journal of Legal Economics 11 (1) 2001; phone surveys and Web-sites; relevant medical reports, documentation, pleadings, deposition transcripts and any evidence adduced during discovery and at the time of trial as well as said expert's training experience, knowledge, expertise, and education in this field.

6. Annexed hereto as part of **Exhibit "A"** is a list of publications by Michael Soudry that have been published over the past ten (10) years.

7. Annexed hereto as part of **Exhibit "A"** is a list of all other cases in which the expert has testified as an expert at trial or by deposition in the past four years.

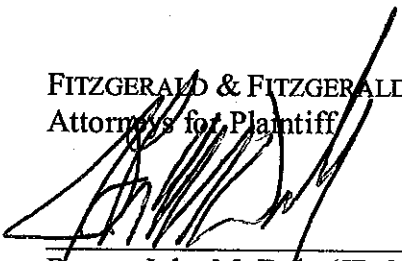
8. Michael Soudry's testimony fee is \$2,600.00 for a half day's appearance in court.

Michael Soudry's hourly rate is \$300.00 for report and deposition preparation and deposition testimony.

The right to supplement and modify these projections estimates at trial based upon current review of the condition of plaintiff is reserved by plaintiff.

Dated: Yonkers, New York  
May 9, 2008

FITZGERALD & FITZGERALD, P.C.  
Attorneys for Plaintiff



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**EXHIBIT A**

# ECO-STAT LLC

ECONOMIC AND STATISTICAL CONSULTANTS

## New Jersey

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212.842.7001 Fax

(800) ECO-STAT Tel  
(888) ECO-STAT Fax

## Michael Soudry, M.B.A. Forensic Economist

### EDUCATION:

- 1991-1993 MASTER OF BUSINESS ADMINISTRATION with major in Finance  
Coursework in Corporate Finance, Advanced Mathematics and Statistics  
Hebrew University of Jerusalem
- 1987-1990 B.A. in Economics, Minor in Sociology  
Hebrew University of Jerusalem

### EXPERIENCE:

- 1995 - Present ECO-STAT LLC  
*Forensic Economist*
- Advise attorneys and insurance companies on the extent of economic loss in matters relating to: personal injury, wrongful death, life care plan costs, wrongful termination, business interruptions and statistical analysis.
  - Prepare economic loss reports for matters to be tried in New York Supreme, New Jersey Superior, and Federal District Courts.
  - Critically analyze reports prepared by other economists, and the economic content of reports prepared by vocational experts, certified public accountants, and actuaries.
  - Provide expert witness testimony.
- 1993-1995 ISRAELI ECONOMIC MISSION, New York, NY  
*Economist, Assistant Fiscal Officer, Ministry of Finance*
- Collected and analyzed data on the Israeli and U.S. economies and financial markets. Provided specialized economic information on Israel to investment banking firms, researchers, and the general public.
  - Created a financial model to determine the best structure for a bond issue.
  - Compared bids by investment banks for bond issues.
  - Assisted Fiscal Director with the financial aspects of projects including budgeting and accounting, approved bills for payment and the evaluation for a consulate relocation site.
- 1991-1993 ISRAELI PRIME MINISTER'S OFFICE, Jerusalem, Israel  
*Economist/Researcher, Bureau of Statistics*
- Analyzed monthly and annual data on sales, balance sheets, inventory, employment, productivity, and R&D expenditures from 2,000 companies.
  - Computerized data collection system to increase survey efficiency.
  - Prepared detailed survey questionnaires annually to collect data on Israeli industry.
- 1991-1993 HEBREW UNIVERSITY of Jerusalem  
*Coordinator, Community Service and Leadership Development Program*
- Directed twenty-two Master's Degree students in public service projects, monitored their progress, and assisted them in developing leadership skills.
- 1983-1986 ISRAELI NAVAL INTELLIGENCE  
*Security Clearance, Haifa, Israel*

### PROFESSIONAL ASSOCIATIONS AND ACTIVITIES:

- April 10, 2003, Presenter at the Federal Victim Compensation Fund Training for the Association of the Bar of the City of New York
- September 10, 2002, was quoted in the Bloomberg News article, "Orphaned Boys Challenge Sept. 11 Fund Over \$2.3 Million Loss"
- April 2000, Presenter of "Comparisons of Wage and Non-Wage Recoverable Losses" to attorneys
- March 1997, Presenter of "Evaluation of Job Maintenance Expenses as Distinct from Personal Consumption" for the Annual Convention of the American Academy of Economic and Financial Experts
- Member of: The Eastern Economic Association; The American Academy of Economic and Financial Experts; and National Association of Forensic Economists

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**Michael Soudry's Trial History 2004 – 2008****Court****2008**

Superior Court (Essex County, NJ) - Judge Paul J. Vichness  
Superior Court (Manhattan, NY)-Judge Sheila Abdus-Salaam  
Supreme Court (Brooklyn, NY)-Judge Partnoy  
NASD Dispute Resolution (Atlanta, GA)  
Superior Court (Brooklyn, NY) – Judge Jack Battaglia  
Superior Court (Brooklyn, NY)-Judge Partnow  
Supreme Court (Queens, NY)-Judge Roger Rosengarten  
Federal Court (Newark, NJ)-Judge D.R. Debevoise

**2007**

American Arbitration Association (Manhattan, NY)  
Superior Court (Morris County, NJ) – Judge Dumont  
Supreme Court (Queens, NY) – Judge Martin E. Ritholtz  
Supreme Court (Brooklyn, NY) – Judge Weston Patterson  
NASD Dispute Resolution (Manhattan, NY)  
Supreme Court (Queens, NY) – Judge Patricia P. Satterfield  
Supreme Court (Queens, NY) – Judge Lawrence V. Cullen  
JAMS Arbitration (Manhattan, NY)  
Supreme Court (Queens, NY)–Judge James Dollard  
Superior Court (Passaic County, NJ)-Judge Graziano  
Supreme Court (Manhattan, NY)-Judge Sheila Abdus-Salaam  
Supreme Court (Queens, NY) – Judge H. Kerrigan  
Superior Court (Bergen County, NJ) - Judge Russello  
NYSE Arbitration (Massachusetts)  
Supreme Court (Manhattan, NY)-Judge Marilyn Shafer  
Supreme Court (Queens, NY)-Judge Phyllis Flug

**2006**

Supreme Court (Bronx, NY) - Judge Stanley Green  
NASD Dispute Resolution (Manhattan, NY)  
Supreme Court (Queens, NY)—Judge Peter J. O'Donoghue  
Supreme Court (Brooklyn, NY)—Judge Lawrence S. Knipel  
Superior Court (Union County, NJ)—Judge John Pisansky  
Supreme Court (Bronx, NY)—Judge Patricia A. Williams  
Supreme Court (Brooklyn, NY)—Judge Lawrence S. Knipel  
Supreme Court (Orange County, NY)—Judge Joseph G. Owen  
Supreme Court (Brooklyn, NY)—Judge Diana Johnson  
Supreme Court (Riverhead, NY)—Judge Arthur Pitts  
Supreme Court (Queens, NY)—Judge Augustus C. Agate  
Federal Court (Manhattan, NY)—Judge Lawrence McKenna  
Superior Court (Ocean County, NJ)—Judge Edward M. Oles  
Federal Court (Central Islip, NY)—Judge Donald Blydenburgh  
Supreme Court (Manhattan, NY)—Judge Alice Schlesinger  
NASD Dispute Resolution (Phoenix, AZ)  
Supreme Court (Manhattan, NY)—Judge Joan Carey  
Supreme Court (Manhattan, NY)—Judge Ellen Bransten  
Supreme Court (Rockland County, NY)—Judge Margaret Garvey

**2005**

Federal Court.(Manhattan, NY) - Judge Debra Freeman  
Supreme Court (Manhattan, NY) – Judge Lottie E. Wilkins  
Supreme Court (Brooklyn, NY) – Judge Sylvia Hinds-Radix  
Supreme Court (Manhattan, NY) – Judge Edward H. Lehner

**Case Name**

Ocean Frost  
Arelis Gordon  
Christine Mueller  
Guarraci & Jones  
Georgeann Esposito  
Tywan Davis  
Nyah Dryden  
Dana Ramsdell

Kelth Aronoff  
Deborah Pool  
Cleveland Calliste  
T & L Burnett  
Taub & Weissman  
Valerie Jimenez  
Cesar Alvarado  
William Barone  
Kobe Robins  
Howe-Benjamin  
Sean Rivera  
Joshua Martinez  
Fred Heisman  
Robert Stein  
B. Gomez-Martillo  
Izaya Gray

Cynthia Morales  
Frederick O'Meally  
Carlson Grant  
Corey Lovett  
Napoleon Tejada  
Joseph Faddool  
Stephanie Muniz  
Edwin Reilly  
Jimmy Martinez  
David Rivera  
Nicholas Chambers  
David Ebert  
Tom Morgano  
Pamela Tutrani  
Taamel Dawson  
Jerry L. Nichols  
Kevin Jackson  
Marlenis Acosta  
Stacey Gersten

Kelly Fitzpatrick  
David Alvarado  
Frank Castellano  
Klara & Thomas Rena

Superior Court (Morristown, NJ) – Judge David S. Cramp  
Superior Court (Bergen County) – Judge Robert Wilson  
Supreme Court (Brooklyn, NY) – Judge David Vaughan  
Supreme Court (Brooklyn, NY) – Judge Gloria Dabiri  
Court of Common Pleas (Horry County, SC) – Judge James S. Cross, Jr.  
Supreme Court (Brooklyn, NY) – Judge Joseph S. Levine  
Federal Court (Manhattan, NY) – Judge Samuel Conti  
NYSE Arbitration  
Superior Court (New Brunswick, NJ)

Toni Mohamad  
Pantellis Andriopoulos  
Theresa Chirieleison  
Atiba Clarke  
Sundown Operating Co.  
Cheryl Wallace  
Matthew Cooper  
Savino, et al  
Cutberto G. Sarabia

**2004**

Supreme Court (Manhattan, NY) - Judge Michael Stallman  
Supreme Court (Riverhead, NY) – Judge Ralph Costello  
Federal Court (White Plains, NY) – Judge Mark D. Fox  
Supreme Court (Manhattan, NY) – Judge Sheila Abdus-Salaam  
Superior Court (Newark, NJ) - Judge Camille Kenny  
Superior Court (New Brunswick, NJ) - Judge Mark Epstein  
Federal Court (Manhattan, NY) - Judge Debra Freeman  
Superior Court (New Brunswick, NJ) - Judge Vincent LeBlon  
Superior Court (New Brunswick, NJ) - Judge James Hurley  
Supreme Court (Brooklyn, NY) - Judge Jules Spodeck  
NASD Dispute Resolution (Manhattan, NY)  
Supreme Court (Kingston, NY) - Judge Bernard J. Malone  
Supreme Court (Brooklyn, NY) – Judge Joseph Levine

Mike Tsangari  
Patricia Hanley  
Laura Danielson  
Ernesto Estrada  
Craig Royer  
Joseph Michaels  
David Carmody  
Salvatore Modica  
Benjamin Manee  
Joshua Bonilla  
Paul Bodet  
Joseph Caserto  
Patricia Masotto



**JIM DUFFY**

---

**From:** MSoudry@friedmanllp.com  
**Sent:** Tuesday, May 06, 2008 3:30 PM  
**To:** JIM DUFFY  
**Subject:** Vega



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(213 KB)

CV and 4 yrs trials

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-----Original Message-----

**From:** scanner@friedmanllp.com [mailto:scanner@friedmanllp.com]  
**Sent:** Tuesday, May 06, 2008 3:09 PM  
**To:** Soudry, Michael  
**Subject:**

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Any tax advice contained in this email, including attachments, cannot be used by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer. This statement is made pursuant to Circular 230 (U.S. Treasury Regulations governing tax practice).

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**EXHIBIT B**

**ATTORNEY DECLARATION OF SERVICE**

The undersigned, an attorney admitted to practice law before the Courts of the State of New York and this Court, hereby declares under penalty of perjury that on May 9, 2008 he served the following document:

**Plaintiff's Rule 26(a)(2) Disclosure for Michael Soudry**

By First Class Mail upon:

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E-mail: peter.skinner@usdoj.gov

Dated: Yonkers, New York  
May 9, 2008

  
\_\_\_\_\_  
John J. Lech (JL5550)